

2. Following the hearing, the Court issued the Order. In the Order, among other things, the Court stated that the “supplemental filing should address plaintiff’s assertion of the deliberative process privilege as it relates to defendants’ RFD Nos. 27, 31, 41, 54-57, and Interrogatory No. 1.”

3. In connection with Defendants’ motion to compel, the parties had supplied the Court with the SEC’s responses and objections to Defendants’ First Set of Document Requests (*see* Dkt. No. 42-5) and First Set of Interrogatories. (*See* Dkt. No. 42-6).

4. After reviewing the Court’s order, the SEC re-reviewed its responses and objections to Defendants’ discovery requests.

5. In the SEC’s responses and objections to Defendants’ discovery requests, the SEC had referred to the deliberative process privilege in response to Defendants’ document request No. 41 and Interrogatory No. 1, but the SEC did not refer to the deliberative process privilege in response to Defendants’ document request Nos. 27, 31, or 54-57. (*See* Dkt. No. 42-5). The SEC did refer to a different privilege (the common interest doctrine) in response to Defendants’ document request No. 31, but the SEC did not refer to any privilege objections in response to Defendants’ document request Nos. 27 or 54-57. (*Id.*).

6. Because the SEC did not refer to the deliberative process in its responses and objections to Defendants’ document request Nos. 27, 31, or 54-57, the SEC respectfully moves for clarification as to the Court’s request for supplemental briefing on the deliberative process privilege as to the SEC’s responses and objections to these discovery requests.

WHEREFORE, the SEC respectfully requests that the Court: (i) grant this Motion in its entirety; (ii) enter an order clarifying its request for supplemental briefing on the deliberative

process privilege as to the SEC's responses and objections to Defendants' document request Nos. 27, 31, and 54-57; and (iii) grant such other and further relief as this Court deems just.

Dated: March 17, 2023

Respectfully submitted,

**UNITED STATES SECURITIES AND
EXCHANGE COMMISSION**

/s/ Eric M. Phillips

By: One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on March 17, 2023, he caused the foregoing Motion to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the Court's CM/ECF system, which shall send notification of such filing to the following counsel of record:

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